

APPEAL NO. 020140
FILED FEBRUARY 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 11, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury; that the date of the alleged injury is _____; that the respondent (self-insured) would be relieved from liability because of the claimant's failure to timely report his claimed injury to his employer; that the claimant is not barred from pursuing Texas workers' compensation benefits because of an election to receive benefits under a group disability insurance policy; and that the claimant did not have disability. On appeal, the claimant contends that the hearing officer's injury, date of injury, notice and disability determinations are against the great weight and preponderance of the evidence. In its response to the claimant's appeal, the self-insured urges affirmance.

DECISION

Affirmed.

The date of injury for an occupational disease is the date the employee knew or should have known that the disease may be related to the employment. Section 408.007. The date of injury, when the claimant knew or should have known that his alleged injury may be related to the employment, is generally a question of fact for the hearing officer to resolve. It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer's determinations that the date of injury was _____, and that the claimant did not report the injury to his employer timely are supported by the evidence. Similarly, the issues whether the claimant met his burdens of proving that he sustained a compensable injury and that he had disability were also factual determinations for the hearing officer to resolve. The hearing officer found against the claimant on these disputed issues and those findings are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the challenged determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge